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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4375 OF 2006

Ambadas Hanumantu Talate .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Ujwal Angadsurve for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006

P.C.

. Mr.Angadsurve appearing for applicants prays for bail on the ground that co-accused have been granted bail by this Court. He invites my

attenttion to the orders passed, copies of which are annexed as Annexure C and speciic order dated 20th September 2006 in Criminal application No.3393 of 2006 and submits that on the ground of parity with co-accused Navnath, applicant may be enlarged on bail. The request is opposed by Mr.Pednekar, A.P.P. and he states that the principle of parity cannot be extended because at the instance of present applicant knife has been recovered so also blood stained clothes.

2. Mr.Angadsurve, however, invites my attention to a copy of supplementary statement of the mother of the deceased wherein she has specifically alleged that the assault with knife took place when the deceased was dragged in the vehicle and all that the present applicant was doing was holding him. The knife injuries were inflicted by Sanjay and Basavraj Desai. Navnath has been enlarged on bail so also co-accused.

3. In the light of this statement, it is

difficult at this prima facie stage to accede to the submissions of Mr.Pednekar about the alleged recovery. The case is on par with the co-accused, Navnath. In such circumstances applicant deserves to be enlarged on bail. Hence following order:-

i) The applicant arrested in connection with C.R.No.261 of 2005 registered with Fauzdar Chaudi Police Station shall be enlarged on bail in the sum of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a week on every Monday till the conclusion of the trial.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)